

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Plaintiff,

-vs.-

PLATFORM SOLUTIONS, INC., and
T3 TECHNOLOGIES, INC.,

Defendants.

Civil Action No. 06 CV 13565 (LAK)

**NOTICE OF MOTION TO DISQUALIFY
CLEMENT S. ROBERTS, JOSEPH C. GRATZ, AND
DURIE TANGRI PAGE LEMLEY ROBERTS & KENT LLP**

Please take notice that International Business Machines Corporation (“IBM”), on behalf of itself and its subsidiary Platform Solutions, Inc. (“PSI”), will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, on a date and time to be designated by this Court, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, for an Order pursuant to New York Rule of Professional Conduct 1.9 and other applicable authorities granting PSI and IBM’s Motion to Disqualify Clement S. Roberts, Joseph C. Gratz, and Durie Tangri Page Lemley Roberts & Kent LLP (“Durie Tangri”) from acting as attorneys for T3 Technologies, Inc. (“T3”) in this matter because Messrs. Roberts, Gratz, and their colleagues at Durie Tangri previously represented PSI, which is now materially adverse to T3, in this same matter. In support of this motion, PSI and IBM submit the accompanying Memorandum of Law dated May 11, 2009, the Declaration of Gregory Handschuh dated May 11, 2009, the

Declaration of Vernon R. Johnson dated May 8, 2009, the Declaration of Bruce A. Green dated May 11, 2009, and the Declaration of Richard I. Werder, Jr. dated May 11, 2009, and all other papers and proceedings herein.

DATED: May 11, 2009

QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP

By: /s/ Richard I. Werder, Jr.

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